



## Office of the Attorney General

State of Texas

October 4, 1991

DAN MORALES  
ATTORNEY GENERAL

Ms. Joan Robinson  
Staff Attorney  
Texas Workers' Compensation Commission  
4000 South IH 35  
Austin, Texas 78704

OR91-465

Dear Ms. Robinson:

You ask whether certain information in the file of a former employee of the Industrial Accident Board must be withheld from public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13374.

The public requestor seeks access to the personnel file of a former employee of the Industrial Accident Board now maintained by the Workers' Compensation Commission. (Under the 1989 Texas Workers' Compensation Act, the Industrial Accident Board was replaced by the "Texas Workers' Compensation Commission." *See Acts 1989, 71st Leg., 2d C.S., ch. 1, §§ 17.01 et seq.*) The requested file contains certain test documents generated in the testing of the former employee. The test documents in turn contain certain information derived from an actual worker's compensation claimant's file which was used for purposes of the test. You assert that the information in the test documents that was derived from the claimant's file is protected by section 3(a)(1) of the Open Records Act in conjunction with the confidentiality provisions of article 8308-2.31, V.T.C.S.

Section 3(a)(1) excepts from public disclosure information made confidential by statutory law. Article 8308-2.31(a) makes confidential, with certain exceptions we understand to be inapplicable here, "information in or derived from a claim file." *See also* confidentiality provisions of former art. 8307, § 9a, V.T.C.S., which were repealed with adoption of the 1989 Workers' Compensation Act. Acts 1989, 71st Leg., 2d C.S., ch. 1, § 16.01(10).

We agree that, under section 3(a)(1), you must withhold information in the test documents derived from the claimant's file. See Open Records Decision No. 533 (1989); Attorney General Opinion MW-202 (1980). We have marked the information you must withhold.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-465.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/mc

Ref.: ID# 13374

Enclosures: Open Records Decision No. 533; Attorney General Opinion MW-202

cc: Duane Pickard  
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